IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.3118 OF 2005

Gokhale Balkrushana Govind & Anr. ...Petitioners.
Vs.
The Education Officer (Secondary),
Zilla Parishad, Pune & Ors. ...Respondents.

....

Mr.Uday Warunjikar for the Petitioners.
Mr. P. P. Chavan for the Respondents.

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CORAM : A.P. SHAH AND
DR.D.Y.CHANDRACHUD, JJ.

June 16, 2005.

P.C.:

The First Petitioner was born on 19th March 1952 and is employed as a Computer Operator in the Main Branch of the Bank of Maharashtra at Pune. The Second Petitioner is the son of the First Petitioner and was born on 26th November 1984. The Second Petitioner was admitted to the Abhinav Vidyalaya High School at Pune on 10th June 1994, where he studied until 31st May 2000. The Second Petitioner has passed the S. S. C. Examination conducted by the Second Respondent in March 2000 and the Higher Secondary Examination conducted in February 2002. The Second Petitioner seeks to apply for admission to a Course conducted by the NUSI Maritime Academy at Goa. It has been

averred in the petition that he has completed 25 weeks of the Pre-Sea Training Course of the Navigational and Engineering Faculty. The Second Petitioner has been issued a passport by the Regional Passport Officer in May 2002. However, it has been stated that the spelling of the name of the First Petitioner (the father of the Second Petitioner) was incorrect in the certificate and marksheet which has been issued by the Second Respondent. In the circumstances, the Continuous Discharge Certificate which is to be issued by the Academy has been withheld. Petitioner No.2 submitted an application on 12th March 2005 to the High School where he studied which was accordingly forwarded to the Second Respondent. According to the First Petitioner, instead of the word 'Balkrushana', the word which has been shown in the record of the Respondents is 'Balkrishna'. The Second Petitioner, therefore, seeks a correction in the name in his birth certificate from Gokhale Mahesh Balkrishna to Gokhale Mahesh Balkrushana.

2. The provisions for such changes are governed by Appendix Six read with Rule 26.4 of the Secondary School Code, a copy whereof is annexed to the Petition at Exhibit 'K'. The Rule inter alia provides that in cases other than those involving adoption

or change due to the marriage, in all other cases including correction of spelling involving the name of the candidate, father's name or surname, an affidavit should be made before the Stipendary Magistrate by the parent or guardian. In the petition, it has been stated that such an affidavit has already been made and a copy thereof is at Exhibit 'I' to the Petition.

3. In the circumstances, this petition is disposed of by directing the First Respondent to verify the application submitted by the First Petitioner for the correction of the name of the Second Petitioner from Gokhale Mahesh Balkrishna to Gokhale Mahesh Balkrushana. The First Respondent shall complete this exercise within a period of four weeks from today and thereupon forward his report to the Third Respondent. The Third Respondent shall in turn, upon the receipt of the report, forward the same to the Second Respondent which shall complete the exercise of carrying out the correction in accordance with law within a period of four weeks thereafter. The Petition is accordingly disposed of.